



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
**BOARD FOR LICENSING CONTRACTORS**

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## **MINUTES OF TELECONFERENCE CALL**

**January 10, 2012 – 10:00 a.m. CT**

**(Location: 3<sup>rd</sup> Floor, Andrew Johnson Tower, Nashville, TN)**

1. Keith Whittington, Chairman: Call to Order
  - Roll Call of Participants on the telephone:
    - Mark Brodd; Cindi DeBusk; Jerry Hayes; Ernest Owens; Marvin Sandrell; Ronnie Tickle; and Keith Whittington - Quorum Established – 7
  - Staff Participants: Carolyn Lazenby, Director; and Jenny Taylor, Staff Attorney.
2. Keith Whittington: Statement of Necessity (T.C.A. § 8-44-108) - A special called meeting of the Board has been called as a matter of necessity which means the matters to be considered by this governing body, at the meeting, require timely action. A physical presence by a quorum of the members is not practical within the period of time requiring action, and participation by a quorum of the members will be allowed by electronic means of communication. Voting will be conducted by roll call. In order to protect the interest of the public's safety and welfare, this special called meeting was requested by the Board after investigation of a licensee's alleged criminal conviction.
3. Jenny Taylor, Staff Attorney - Discussion: At the last regularly scheduled meeting on November 29, 2011, the Board requested additional information to be obtained quickly and voted to conduct a special called conference call meeting, since this involved a Class C felony for incest. It was item #76 on the residential portion of the Legal Report where a limited licensed electrical licensee had been convicted. Board instructed to look into the nature of the conviction to decide whether to move forward with a summary suspension immediately to start the revocation process. Information such as the age of the victim; whether they were a child; and if the licensee could be considered a danger to the public going into the homes to perform work. This was considered a matter of urgency not to put off for two months until the next regularly scheduled meeting and the reason for the necessity of a special called meeting.

The complaint was submitted to the Board anonymously. The act happened in April, 2010 with the conviction in March, 2011. Facts from the police officer called to the scene revealed that it was the respondent's adopted daughter (adopted at the age of 5), and was 18 years of age. It was reported that the victim and respondent had been drinking; she had first consented, but then changed her mind.

Respondent was found guilty to serve four (4) years' probation and given a \$200.00 fine. The respondent is in the process of appealing. While this is serious, it's not rape. It does not appear to be a case for summary suspension and considered a domestic issue. No precedence set for this type of matter. The Boards options are as follows: 1) take no action; 2) wait until after the appeal; or 3) move forward to revoke the license.

4. Ronnie Tickle: Motion - to take no action.  
Marvin Sandrell: Seconded the motion.

Roll Call Vote: (Yes) - Mark Brodd; Cindi DeBusk; Jerry Hayes; Ernest Owens; Marvin Sandrell; Ronnie Tickle; and Keith Whittington. None opposed; motion carried.

5. Adjourned until next meeting on January 24, 2012 in Nashville